



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MQB/170435

PRELIMINARY RECITALS

Pursuant to a petition filed December 1, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Jackson County Department of Human Services in regard to Medical Assistance, a hearing was held on January 13, 2016, at Black River Falls, Wisconsin.

The issue for determination is whether the petitioner can receive retroactive Medicare Premium Assistance.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]

Jackson County Department of Human Services
420 Hwy 54 West
Po Box 457
Black River Falls, WI 54615

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Jackson County.

2. The petitioner was an ongoing recipient of Medicare Premium Assistance whose renewal of benefits was due on January 31, 2015. His application was denied on February 27, 2015, because he did not verify his assets.
3. The petitioner was found eligible for Medicare Premium Assistance as of May 1, 2015, after he reapplied.
4. The agency discovered that the petitioner's social security is deposited into an account. Because it had been unaware of this, it notified him on September 29, 2015, that he must verify this information by October 8, 2015, or his benefits would end.
5. On October 9, 2015, the agency notified the petitioner that his benefits would end on November 1, 2015, because he did not verify his social security deposit. His benefits ended on that date.
6. The petitioner verified his social security deposit on December 1, 2015.
7. The agency reinstated his benefits as of January 1, 2016.
8. The petitioner filed his only appeal of the agency's actions concerning his Medicare Premium Assistance on December 1, 2015.

DISCUSSION

The petitioner received Medicare Premium Assistance through one of the three subprograms meant to provide this assistance. *Medical Eligibility Handbook*, § 32.1. Each uses the same rules to determine financial eligibility as Medicaid. *Medicaid Eligibility Handbook*, § 32.1.1. Medicaid rules require recipients to verify various information. Wis. Admin. Code, § DHS 102.03(3). Agencies may deny benefits if an applicant "is able to produce required verifications but refuses or fails to do so." within 10 days of the date they are requested..." *Medicaid Eligibility Handbook*, § 20.7.1.1. *see also* Wis. Admin. Code § DHS 102.03(1).

The county agency ended the petitioner's premium assistance by denying his renewal application on February 27, 2015, because he did not verify his income. He cannot appeal this because premium assistance appeals must be filed within 45 days. Wis. Admin. Code § HA 3.05(3). He reapplied and his benefits were reinstated on May 1, 2015. But after reinstating his benefits, the agency determined that he had not verified the bank account into which he deposited his social security. It notified him on September 29, 2015, that he must verify this account by October 8, 2015, or his benefits would end on November 1, 2015. He did not verify this information by then, and his benefits ended. He finally verified this information on December 1, 2015, and his benefits were reinstated on January 1, 2016. He requests that he receive benefits retroactive to an earlier unspecified date.

Medical assistance policy is clear about when premium assistance benefits begin under the circumstances present here: "QMB—The first of the month following the eligibility confirmation." *Medicaid Eligibility Handbook*, § 2.8.1.8. Because eligibility cannot be confirmed until relevant information is verified, the county agency correctly determined that his benefits began on January 1, 2016, the month after he verified the account.

CONCLUSIONS OF LAW

The agency correctly reinstated the petitioner into the Medicare Premium Assistance program the month after he verified the bank account into which he deposits his social security.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 19th day of January, 2016

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 19, 2016.

Jackson County Department of Human Services
Division of Health Care Access and Accountability